REMARKS

Initially, in the Office Action dated October 4, 2004, the Examiner rejects claims 1-6 under 35 U.S.C. §112, second paragraph. Claims 1-3 and 5 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,938 (Eilert et al.). Claims 4 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilert et al.

By the present response, Applicants have amended claims 1, 2 and 6 to further clarify the invention. Claims 1-6 remain pending in the present application.

35 U.S.C. §112 Rejections

Claims 1-6 have been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-3 and 5 have been rejected under 35 U.S.C. §102(e) as being anticipated by Eilert et al. Applicants respectfully traverse these rejections.

Eilert et al. discloses central processing unit (CPU) resources being managed within a computing environment. When the allocation of CPU resources to a partition of the computing environment is to be adjusted, the allocation is adjusted dynamically. This dynamic adjustment is across at least two partitions of the computing environment. The adjusting includes modifying processor weights associated with the partitions.

Regarding claims 1 and 2, Applicants submit that Eilert et al. does not disclose or suggest the limitations in the combination of each of these claims of, <u>inter alia</u>, causing, by each said logical partition, a physical computer upon receipt of a request to store an unused part of the regular resource being assigned to the logical partition to a reserve resource in the case of a collection request, and to assign a resource stored in the reserve resource as the additional resource to the logical partition in the case of the assignment request. According to the limitations in the claims of the present application, <u>each logical partition</u> monitors an amount of a computer resource being used so as to collect an used resource, if any, and the hypervisor saves the unused resource in a reserve resource. <u>Each logical partition</u> operates such that if there is an insufficient resource, then it sends a response assignment request to the hypervisor so that the hypervisor may assign as an additional resource a part of the reserve resource to the requesting logical partition. In contrast, Eilert et al. discloses that <u>a workload manager (WLM)</u> moves logical CPU resources across respective logical partitions according to the load of each logical partition. Therefore, Eilert et al. discloses distribution of the CPU resources to be shared by respective logical partitions <u>being adjusted among the respective logical partitions</u>. This is not <u>each logical partition</u> upon receipt of a request <u>causing a physical computer to store an used part of a regular resource</u> being assigned to the logical partition <u>to a reserve resource</u> in the case of a collection request, and <u>to assign a resource stored in the reserve resource as the additional resource</u> to the logical partition in the case of the assignment request, as recited in the claims of the

present application. Eilert et al. does not disclose or suggest a reserve resource for storing collected unused resources for the purpose of assignment thereof at the times of insufficient resources. As noted previously, Eilert et al. merely discloses <u>adjusting resource distribution among logical partitions according to the load of each logical partition</u>. In contrast, the limitations in the claims of the present invention relate to <u>each logical partition independently carrying out</u> a collection of unused resources and an assignment of a reserve resource at the times of insufficient resource.

Regarding claims 3 and 5, Applicants submit that these claims are dependent on independent claim 2 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim. For example, Applicants submit that Eilert et al. does not disclose or suggest an external resource adding/separating unit provided in the physical computer where the external resource adding/separating unit adds or separates the external resource with respect to the resource managing unit in response to an instruction by an operator, or where the resource managing unit sets the logical partition to which the logical partition to which the reserve resource is assigned for each reserve resource, and upon receipt of the assignment request from the adding/separating unit in the logical partition, the resource managing unit assigns an assignable reserve resource to the logical partition.

Accordingly, Applicants submit that Eilert et al. does not disclose or suggest the limitations in the combination of each of claims 1-3 and 5 of the present

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application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

<u>35 U.S.C. §103 Rejections</u>

Claims 4 and 6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilert et al. Applicants respectfully traverse these rejections.

Regarding claim 6, Applicants submit that Eilert et al. does not disclose, suggest or render obvious the limitations in the combination of this claim of, <u>inter alia</u>, causing, by each logical partition, the control program upon receipt of the request to store the unused part of the regular resource being assigned to the logical partition to the reserve resource in the case of the collection request, and to assign a resource stored in the reserve resource as the additional resource to the logical partition in the case of the assignment request. As noted previously, Eilert et al. merely discloses that the workload manager moves logical CPU resources across respective logical partitions according to the load of each logical partition. This is not <u>each logical partition causing a control program to store the unused part of the regular resource being assigned to the logical partition to the reserve resource in the case of the collection request, and to assign a resource stored in the reserve resource as the additional resource to the logical partition in the case of the assignment request</u>, as recited in the claims of the present application.

Regarding claim 4, Applicants submit that this claim is dependent on independent claim 2 and, therefore, is patentable at least for the same reasons noted previously regarding this independent claim. For example, Applicants submit

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that Eilert et al. does not disclose or suggest a management table being provided for each of the logical partitions, or where information on assignability of the reserve resource is set in the management table, and when a resource assignment request has been received from the adding/separating unit of the logical partition, whether or not the assignment of the reserve resource is to be affected being determined in accordance with the contents of the information on assignability of the reserve resource in the logical management table.

Accordingly, Applicants submit that Eilert et al. does not disclose, suggest or render obvious the limitations in the combination of each of claims 4 and 6 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-6 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

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To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 500.40386X00).

Respectfully submitted,

MATTINGLY, STANGER & MALUR, P.C.

Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 312-6600

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